

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF FEBRUARY 17-18, 2022

Prepared on January 27, 2022

ITEM NUMBER: 10

SUBJECT: Overview of Wastewater Consolidation Program
Established by Senate Bill 1215

STAFF CONTACTS: Kathy Truong, (805) 549-3293,
kathy.truong@waterboards.ca.gov
Leah Lemoine, (805) 549-3159,
leah.lemoine@waterboards.ca.gov
Arwen Wyatt-Mair, (805) 542-4695,
arwen.wyattmair@waterboards.ca.gov

KEY INFORMATION: This item provides an overview of efforts currently in progress by the Water Boards to facilitate provision of sewer services to disadvantaged communities

ACTION: Information/Discussion

SUMMARY

Improperly sited, designed, operated, and/or maintained onsite sewage treatment systems¹ are a key contributor of bacteria and nitrate pollution to surface water and groundwater that serve as drinking water sources. In 2018, Governor Brown signed Senate Bill 1215 (SB 1215) into law, which established funding and the regulatory framework for a statewide wastewater consolidation (WWC) program to facilitate the consolidation of inadequate onsite sewage treatment systems with existing sewer systems. Disadvantaged communities (also referred to as DACs) may lack the resources necessary to treat or secure alternate sources of domestic water supply and are particularly vulnerable to public health impacts from bacteria and nitrate in groundwater. SB 1215 authorizes the regional water quality control boards to facilitate, and, when necessary, to mandate the provision of sewer service to disadvantaged communities or residents of disadvantaged communities with inadequate onsite sewage treatment systems. SB 1215 requires the regional water quality control boards to take certain actions before mandating provision of sewer service, including an extensive

¹ SB1215 defines onsite sewage treatment systems as individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal and are not operated by a local agency or a utility regulated by the Public Utilities Commission. An onsite sewage treatment system includes, but is not limited to, septic tanks, cesspools, leach fields, and seepage pits.

public noticing and comment process prior to adoption of an order, similar to those required for consolidation or extension of drinking water systems.

Two WWC staff positions² for the Central Coast Regional Water Quality Control Board (Central Coast Water Board) were filled in March 2021. This staff report provides an overview of the Central Coast Water Board's WWC program, efforts to date, and next steps.

State Water Resources Control Board (State Water Board) Division of Financial Assistance (DFA) staff will be available at the Central Coast Water Board meeting to provide an overview of funding sources available to wastewater treatment facilities.

DISCUSSION

Background

SB 1215³ modified the Porter-Cologne Water Quality Control Act by adding Chapter 4.3 to the California Water Code. SB 1215 establishes funding for and authorizes regional water quality control boards to encourage and, if necessary, to mandate the provision of sewer service to disadvantaged communities. This authority is to be executed either through collaboration with local sewer systems⁴ or through enforcement orders to establish timelines for connection to local sewer systems given certain conditions related to median income, age and condition of onsite wastewater treatment systems, and proximity to sewer systems.

The overall WWC program objective is to eliminate contamination, pollution, nuisance conditions, and threats to beneficial uses from inadequately maintained and failing onsite sewage treatment systems. The WWC program has prioritized its outreach efforts to disadvantaged communities served by one or more onsite sewage treatment systems that are within a defined distance from a properly operated and permitted sewer system. Eligible communities include, but are not limited to, housing developments relying on aging individual septic systems, privately owned communities such as mobile home parks, agricultural workforce housing, and Native American tribal communities. Sewer service can also be extended to individual residences and portions of an area within a disadvantaged community.

Disadvantaged Communities

² Statewide there are a total of eight permanent SB 1215 positions, which have been distributed among the North Coast, Central Valley, Los Angeles, Lahontan, and Central Coast Water Boards and the Office of Chief Counsel.

³ SB 1215 can be accessed online at:

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1215

⁴ For purposes of this staff report, the term "sewer systems" means either or both the physical infrastructure and the agencies that own or operate wastewater collection and treatment systems. Agencies can be cities, counties, or special districts such as community services districts. In some sewer systems, the agency owning or operating the collection system is not the same agency that owns or operates the treatment system.

SB 1215 defines disadvantaged communities as communities with an annual median household income (MHI) that is less than 80 percent of the statewide annual MHI (California Public Resources Code section 75005(g)). Census geographic units⁵ with an annual MHI that is less than 60 percent of the statewide annual MHI are defined as severely disadvantaged communities (also referred to as SDACs). Figure 1 is a map illustrating the locations of disadvantaged communities in the Central Coast Region. The Central Coast Water Board has discretion in how disadvantaged communities are delineated for the purposes of WWC and may use income surveys to verify median income when needed.

Proximity to a Wastewater Treatment Facility

The SB 1215 legislation authorizes regional water quality control boards to mandate the provision of sewer service to disadvantaged communities that are less than three miles from the service territory of the receiving sewer system. Sewer systems that voluntarily extend provision of sewer service may exceed the three-mile radius while still qualifying for funding.

Inadequate Onsite Sewage Treatment Systems

SB 1215 defines inadequate onsite sewage treatment systems as those having a reasonable potential to cause a violation of water quality objectives, to impair present or future beneficial uses, or to cause pollution, nuisance, or contamination of waters of the state.

WWC Program Implementation in the Central Coast Region

Program staffing for the Central Coast Water Board's WWC program consists of two water resource control engineers, one in the National Pollutant Discharge Elimination System (NPDES) unit (Leah Lemoine) and one in the Waste Discharge Requirements (WDR) unit (Kathy Truong). Staff were onboarded in March 2021. Since March, staff have developed a program workplan organizing program implementation into three main phases: planning and prioritization, outreach and negotiations (which are currently ongoing), and consolidation facilitation. A discussion of the work associated with each phase and work completed to date is described below.

Phase 1: Planning and Prioritization

Phase 1 is mostly complete and entailed laying the groundwork for the program by communicating basic program functions and available funding sources with internal and external stakeholders. Phase 1 tasks included identifying and prioritizing potential consolidation opportunities through geospatial analysis, development of initial outreach and educational tools, and outreach and education to key program partners—including

⁵ Applicable United States Census Bureau geographic units include census tracts, block groups, and places.

environmental justice groups and sewer systems—to develop working relationships necessary to execute future consolidation projects.

Phase 1 deliverables included the Central Coast Water Board's WWC webpage and frequently asked questions document, which can be accessed online at:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/wastewater_consolidation/.

Additional outcomes of Phase 1 included county-level prioritization maps; an informational meeting for nonprofit partners including San Jerardo Collective, Community Water Center, and Rural Community Assistance Corporation (RCAC); and coordination meetings with county environmental health departments.

Additional work remaining in Phase 1 will be collecting and analyzing groundwater quality data near areas of inadequate onsite sewage treatment systems. Impaired wells can indicate sources of pollution including inadequate onsite systems. This will involve working with the State Water Board's Division of Drinking Water and local agencies to map and collect data for domestic and municipal wells.

The Central Valley Water Board started its wastewater consolidation program earlier than the other regional water boards. As a result, they are farther along in the process and are helping the other regional water boards develop their programs. The Central Coast Water Board wastewater consolidation program has worked with the Central Valley Water Board and will continue to collaborate with all of the State Water Board entities involved in the program.

Phase 2: Outreach and Negotiations

Phase 2 largely encompasses the process of identifying candidate receiving sewer systems and disadvantaged communities with inadequate systems based on interest, need, and feasibility to consolidate systems. Program staff is currently coordinating with several sewer systems and disadvantaged communities in Santa Barbara County and Monterey County to explore consolidation options.

Phase 3: Consolidation Facilitation

Once a consensus is reached between a receiving sewer system that agrees to receive wastewater and the disadvantaged community and/or the individuals associated with the inadequate onsite wastewater treatment systems, Central Coast Water Board staff will coordinate with DFA to transfer the necessary information on the various technical aspects of the project in order to facilitate the review and funding process. At the same time, the candidate sewer system will apply for funding through DFA. Central Coast Water Board staff will be available to advocate for the project and provide technical assistance for both DFA and the applicant throughout the process.

Staff aim to resolve consolidation projects voluntarily, without using the authority to mandate consolidation. However, if a consensus cannot be reached on a consolidation

project involving a disadvantaged community that is within three miles of a receiving sewer system, the Central Coast Water Board can mandate consolidation to protect water quality. Funding opportunities are available for both voluntary and mandated consolidation projects, so Central Coast Water Board staff and DFA will be able to assist responsible parties in obtaining funding in either situation.

Additionally, staff seek opportunities to coordinate with Division of Drinking Water Safe and Affordable Funding for Equity and Resilience (SAFER)⁶ program to create efficiencies when communities are undergoing drinking water and wastewater consolidation projects concurrently.

Funding Sources

The State Water Board DFA is responsible for administering the funding for WWC projects. Funding comes from the Clean Water State Revolving Fund, specifically the Small Community Grant Fund.

DFA manages funding through a phased financial assistance application process. Applicants eligible for funding include disadvantaged communities, which may include housing developments, mobile home parks, agricultural workforce housing, Native American tribal communities, or other underrepresented communities as defined in the Environmental Justice section of the staff report below. The sewer system serving as the project applicant must be a public agency having jurisdiction over disposal and treatment of sewage, industrial wastes, or other wastes, a Native American tribe or an authorized Native American tribal organization, or a designated and approved management agency under [section 1288 of title 33 of the United States Code](#).

Three separate types of funding are available: 1) technical assistance; 2) outreach, planning, and design; and 3) construction. Applicants can apply for any or all three types.

Applicants will use DFA's Financial Assistance Application Submittal Tool (FAAST), which is available on the FAAST webpage: <https://faast.waterboards.ca.gov> to apply for the funding.

Human Right to Water

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California "that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes." On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

The WWC program is an important tool used by the Central Coast Water Board to implement the Human Right to Water. The WWC program is designed to reduce

⁶ The SAFER program website can be accessed online at: <https://www.waterboards.ca.gov/safer/>

impacts to drinking water sources through consolidation of inadequate onsite sewage treatment systems. The program specifically focuses on assisting disadvantaged communities in obtaining funding to implement these consolidation efforts.

Environmental Justice

Environmental Justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to DACs, SDACs, Economically Distressed Areas (EDAs), Tribes, Environmentally Disadvantaged Communities (EnvDACs), and members of Fringe Communities.⁷ Furthermore, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

The Water Board's authority under SB 1215 to mandate a wastewater agency to extend sewer service to a disadvantaged community or residents of a disadvantaged community is contingent upon an annual median household income of less than 80 percent of the statewide annual median household income. However, for the purposes of SB 1215, a community may be delineated—and median income verified—on a project-by-project basis to match the extent of the area targeted for consolidation at the parcel level. A designation of EDA, tribes, EnvDAC or fringe community alone does not meet the criteria set forth in SB 1215 that would authorize the Central Coast Water Board to order consolidation; however, given the nature of EDAs, tribes, EnvDACs, and fringe communities and the flexibility to delineate communities, staff anticipates that there will be significant overlap with these underrepresented communities and how disadvantaged communities are defined in SB1215.

⁷ Disadvantaged Community: a community with an annual median household income that is less than 80% of the statewide annual median household income (Public Resources Code section 80002(e)); Severely Disadvantaged Community: a community with a median household income of less than 60% of the statewide average (Public Resources Code section 80002(n)); Economically Distressed Area: a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less with an annual median household income that is less than 85% of the statewide median household income and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) unemployment rate at least 2% higher than the statewide average, or (3) low population density (Water Code section 79702(k)); Tribes: federally recognized Indian Tribes and California State Indian Tribes listed on the Native American Heritage Commission's California Tribal Consultation List; EnvDACs: CalEPA designates the top 25 percent scoring census tracts as DACs. Census tracts that score the highest five percent of pollution burden scores but do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data are also designated as DACs (refer to the CalEnviroScreen 3.0 Mapping Tool or Results Excel Sheet); Fringe Community: communities that do not meet the established DAC, SDAC, and EDA definitions but can show that they score in the top 25 percent of either the Pollution Burden or Population Characteristics score using the CalEnviroScreen 3.0.

The WWC program prioritizes outreach to disadvantaged communities and facilities that serve disadvantaged communities. To identify potential project areas and partners, Central Coast Water Board staff identify areas with onsite sewage treatment systems that are within disadvantaged community census block groups and near wastewater treatment facilities. Staff also coordinate with nonprofit partners, including holding an informational meeting with nonprofit partners in October 2021, to discuss the WWC program and receive feedback on areas that may benefit from the assistance the WWC program can provide.

Climate Change

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012.

Climate change is expected to include more severe storm and flooding events, which can put additional strain on inadequate onsite sewage treatment systems. The WWC program will help reduce potential water quality impacts associated with flooding of inadequate systems by facilitating consolidation of these systems with sewer systems.

Climate change is also expected to include more severe drought conditions. Consolidation may increase the capacity of wastewater facilities to recycle water, which may help mitigate drought impacts by further diversifying the state's water portfolio.

The WWC program will work with receiving sewer systems to make sure the collection and treatment systems are adequately and appropriately sized, designed, operated, maintained, and funded to accept the new wastewater flows. SB 1215 funding is available for use by the receiving sewer system for these purposes.

CONCLUSION

The WWC program is in its initial phases of development and implementation. Central Coast Water Board staff is focused on voluntary WWC efforts for those disadvantaged communities that are most at risk for impacts to drinking water from inadequate onsite sewage treatment systems in areas in close proximity to a properly operated and permitted sanitary sewer system. WWC program staff will continue to provide guidance to disadvantaged communities, stakeholders, and interested parties at the beginning and during proposed sewer projects near properties served by failing or inadequate onsite sewage treatment systems. Staff will also continue to provide guidance to representatives of disadvantaged communities and receiving sewer systems on the processes for obtaining funding to support the planning, design, and construction of

proposed sewer projects. Staff will also continue to collaborate with stakeholders, including wastewater treatment plant and sanitary sewer collection system owners and operators, land-use planning authorities, environmental health agencies, technical consultants, nonprofit organizations, local government officials, and various State Water Board offices and divisions including DFA and the Division of Drinking Water.

ATTACHMENTS

1. Figure 1: Map of Disadvantaged Communities in the Central Coast Region

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